

Notice of Allowability

Application No.

09/927,861

Examiner

Mary C Hogan

Applicant(s)

FRANKE, TORSTEN

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response Filed 12/8/04.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

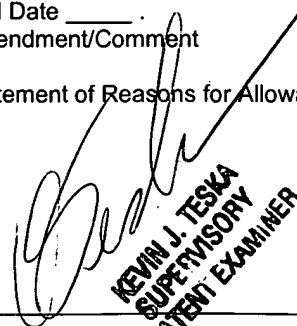
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050204.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

**DETAILED ACTION
AND
NOTICE OF ALLOWANCE**

1. Claims 1-14 are ALLOWED.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because formal drawings have not yet been submitted. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bruce Sladen on 2/14/05.

Please amend the claims 1 and 9 as follows:

1. (Currently Amended) A method for creating a database for carrying out a technical simulation, comprising the steps of:
- a) determining ~~at least a~~ first and second ~~variable~~ entities within a technical application representing a physical or technical value respectively;
 - b) providing a first vector model comprising a plurality of first nodes which are subjected to the first ~~variable~~ entity, and second nodes, with the second entity ~~variable~~ as the output variable, the second nodes being subdivided into a first subset and a second subset, and the second nodes of the first subset being also subjected to the first entity ~~variable~~,
 - c) determining the transfer functions between one of the first nodes and one of the second nodes in each case, by a first simulation program,

- d) storing a first matrix with the transfer functions between the first nodes and the second nodes of the first subset and storing of a second matrix with the transfer functions between the first nodes and the second nodes of the second subset, and
- e) repeating steps a to d with regard to the second entity variable and a third entity variable, by a second simulation program.

9. (NEW) (Currently Amended) A system for creating a database for carrying out a technical simulation, comprising:

- means for determining ~~at least a~~ first and second entities variable within a technical application representing a physical or technical value respectively;
- means for providing a first vector model comprising a plurality of first nodes which are subjected to the first variable entity, and second nodes, with the second entity variable as the output variable, the second nodes being subdivided into a first subset and a second subset, and the second nodes of the first subset being also subjected to the first entity variable,
- a simulation program for determining the transfer functions between one of the first nodes and one of the second nodes in each case,
- means for storing a first matrix with the transfer functions between the first nodes and the second nodes of the first subset and storing of a second matrix with the transfer functions between the first nodes and the second nodes of the second subset.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

- a. The following limitations in combination with other limitations are non-obvious improvements over the prior art: "...providing a first vector model comprising a plurality of first nodes which are subjected to the first variable and second nodes, with a second variable as the output variable, the second nodes being subdivided into a first subset and a second subset, and the second nodes of the first subset being also subjected to the first variable, determining the transfer functions between one of the first nodes and one of the second nodes in each case by a first

simulation program, storing a first matrix with the transfer functions between the first nodes and the second nodes of the first subset and storing of a second matrix with the transfer functions between the first nodes and the second nodes of the second subset, and repeating these steps with regard to the second variable and a third variable by a second simulation program”.

b. Applicant argues in the response dated 12/8/04 (page 7, paragraph 2): “Schwarz does not disclose or suggest such a vector model” and “The matrix according to Schwarz is merely used to define the three-dimensional relationship within the transfer function to generate the respective three-dimensional resulting forces. However, there is no plurality of second nodes with two different type of nodes as defines in the independent claim 1” (page 7, paragraph 2). The Examiner has found this argument to be persuasive and withdraws the earlier 35 USC 102 rejections.

c. Applicant argues in the response dated 12/8/04 (page 6, paragraph 4): “...the simulation method according to the present invention allows for easy integration into, for example, complex automation systems, and thus, costs in developing complex systems can be reduced. Applicant amended Claim 1 to more clearly recite that the simulation method relates to a technical application as described in the specification of the present application”. The Examiner has found this agreement to be persuasive and withdraws the earlier 35 USC 101 rejections.

d. Dependent Claims 2-8, 10-14 are allowed as they depend on an allowed base claim.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

7. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure, careful consideration must be given prior to Applicant's response to this Office Action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary C Hogan whose telephone number is 571-272-3712. The examiner can normally be reached on 7:30AM-5PM Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 571-272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application

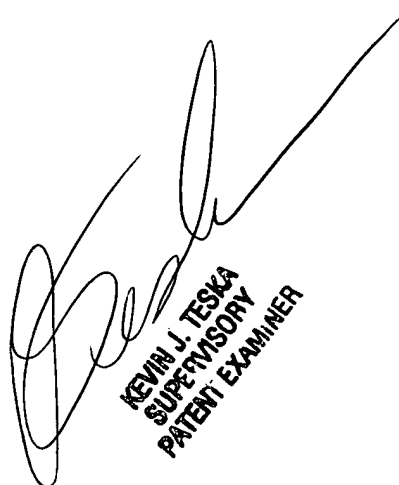
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Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary C Hogan

Examiner

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